

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORKMARY ELLEN TOOHEY, individually and on
behalf of all others similarly situated,

Plaintiff,

-against-

PORTFOLIO RECOVERY ASSOCIATES, LLC,
PRA GROUP, INC., and MALEN & ASSOCIATES,
P.C.

Defendants.

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: No. 15 Civ. 8098 (GBD)

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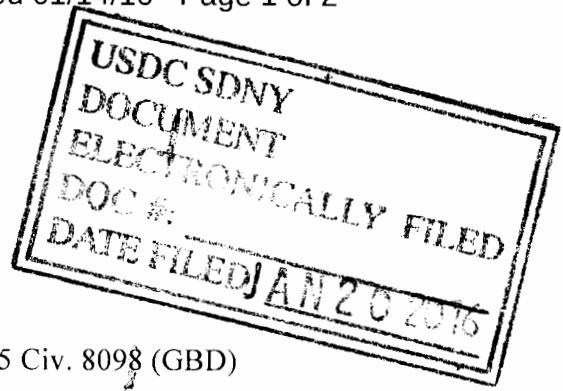
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**CIVIL CASE MANAGEMENT PLAN
AND SCHEDULING ORDER**

Pursuant to the Court's order, dated October 16, 2015, Plaintiff Mary Ellen Toohey and Defendants Portfolio Recovery Associates, LLC and PRA Group, Inc. ("PRA"), and Malen & Associates, P.C. ("Malen"), by and through their respective counsel, have conferred and propose the following case management plan and schedule. The parties have agreed and now jointly propose the following as a means of streamlining this litigation and now ask the Court to enter this case management plan, which is also a scheduling order pursuant to Rules 16 and 26(f) of the Federal Rules of Civil Procedure.

- (1) Defendant PRA filed its motion to dismiss Plaintiff's complaint on December 16, 2015. Defendant Malen filed its motion to dismiss Plaintiff's complaint on December 23, 2016. Plaintiff shall file her opposition to Defendants' motions to dismiss on or before January 20, 2016. Defendants shall file their replies to Plaintiff's opposition, if any, on or before January 27, 2016.
- (2) The setting of further case management deadlines in this matter shall await the Court's decision on Defendants' motions to dismiss Plaintiff's Complaint. All discovery is stayed pending the Court's decision on Defendants' motions to dismiss. After the Court has decided Defendants' motions to dismiss, the parties will confer and attempt to reach agreement on scheduling issues, including discovery deadlines and briefing on class certification.
- (3) The Court shall schedule a case management conference after deciding Defendants' motions to dismiss in order to address case scheduling and planning issues.

Dated: January 14, 2016

New York, New York

SO ORDERED:

JAN 20 2016

George B. Daniels
Hon. George B. Daniels
United States District Judge

/s/ Gregory A. Frank
Attorneys for Plaintiff

/s/ Randy M. Mastro
Attorneys for Defendants
Portfolio Recovery Associates, LLC
PRA Group Inc.

/s/ Brett A. Scher
Attorneys for Defendant
Malen & Associates, P.C.